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10/072,535	02/08/2002	Donald Lutrario		3412

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Donald Lutrario  
1545 Woodrow Rd.  
Staten Island, NY 10309

EXAMINER

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT PAPER NUMBER

1733

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,535

Applicant(s)

LUTRARIO, DONALD

Examiner

Gladys JP Corcoran

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because

Step 5 in figure 1C recites "any other type item (34)" in line 4, which should be --

any other type item (36)--;

Step 6 in figure 1C recites "acrylic or plastic (38)" in line 5, which should be --

acrylic or plastic (40)--.

Step 6 in figure 1C recites "acrylic or plastic (38)" in line 8, which should be --

acrylic or plastic (40)--.

Step 7 in figure 1D recites "(10)" which should be --(12)--.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not

Art Unit: 1733

been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

The Specification on page 12, line 4 recites "any other type item 34", which should be --any other type item 36--.

The Specification on page 12, line 12 recites "vacuum formed acrylic or plastic 38", which should be --vacuum formed acrylic or plastic 40--.

The Specification on page 12, line 14 recites "vacuum formed acrylic or plastic 38", which should be --vacuum formed acrylic or plastic 40--.

The Specification on page 12, line 15 recites "simulated stained-glass 10", which should be --simulated stained-glass 12--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 is unclear by reciting in line 16, "forming the piece of simulated stained-glass." It is unclear what the additional forming step is. There is no additional step described in the Specification for forming the simulated stained-glass, therefore it is unclear whether this step requires any actual method steps. It is suggested to amend the claim to recite in line 15, --acrylic or plastic, thus forming the piece of simulated stained glass.--

6. Regarding claims 8 and 11, the phrase "any other type item" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "any other type item"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). It is unclear what is within the scope of the limitation --any other type item-- and to what those types of items are "other than". It is suggested to amend the claims to recite --an item--.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 1733

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as obvious over Ridge (US Patent No. 6,138,433) in view of Frost (GB 2314530 A) and Butler (US Patent No. 4,438,165).

Ridge discloses a method of making a simulated stained-glass (decorative sheet 40 is considered to be simulated stained glass as it is simulated to give the illusion of hand made art crafted window (column 6, lines 1-15), colored (column 6, lines 15-20) and has simulated lead coming (column 6, lines 47-50)) by providing a vacuum mold die (apparatus 50) having a working surface (master 42A), forming a series of completely flat and smooth, raised and elongated areas on the working surface (bars 44A; column 4, lines 37-57), laying a sheet of acrylic or plastic (column 4, lines 15-16) over the working surface of the vacuum mold die (column 4, lines 58-63), vacuum forming the sheet so as to form a sheet of vacuum formed acrylic or plastic having recessed flats on a mold facing surface and raised flats on an ambient facing surface that oppose the recessed flats (column 4, line 63 to column 5, line 17), gluing lead coming strips (the coming strips are of metal to simulate lead) to the recessed flats on the mold facing surface of the sheet of vacuum formed acrylic or plastic thus forming the piece of simulated stained glass (column 6, lines 47-58).

Ridge discloses that the coming strips are adhered with a suitable adhesive but does not specifically recite, "pressure sensitive self-stick lead strips". It is considered well known in the art to provide simulated coming in the stained glass art with "pressure sensitive self-stick lead strips". Frost is cited to show an example of providing

Art Unit: 1733

simulating coming on a vacuum formed sheet for making simulated stained glass where the coming is self-adhesive lead strips (considered to be pressure sensitive due to the self adhesiveness, otherwise such would have been well within the purview of one of ordinary skill in the art). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of forming the simulated glass as shown in Ridge by using pressure sensitive self-stick lead strips as the simulated coming as is considered well known in the art and further exemplified by Frost.

Ridge appears to only disclose applying the simulated coming to one side of the simulated glass sheet, however it is well known in the art to provide simulated coming on simulated stained glass sheets on both sides of the sheet (which would include the raised flats of the ambient-facing surface of the sheet of vacuum formed acrylic or plastic) in order to provide the decorative effect on both sides of the sheet. For example, Butler discloses a method of forming simulated stained glass where lead coming strips are applied to the reverse side of the pane coincidental with the first strip in order to provide the visibility of the strips from both sides (column 3, lines 20-25; column 4, lines 13-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to form the simulated glass of Ridge by applying self-stick lead strips to both sides of the flats formed in the sheet in order to provide the look of simulated leaded glass on both sides of the sheet as is considered well known in the art and further exemplified by Butler, particularly since the sheet in Ridge is for viewing from both sides (column 7, lines 35-38).

Art Unit: 1733

As to claim 2, Ridge discloses providing the working surface simulating a texture of a piece of stained glass (column 1, lines 65-68; column 5, lines 15-17; column 6, lines 8-14; column 6, lines 60-65). As to claims 3-5, Ridge discloses providing the surface of the working surface with an engraved pattern in order to provide the sheet with simulated surface texture of glass pieces such as beveling, marbling, frosting, etc. It would have been well within the purview of one of ordinary skill in the art at the time of the invention to provide well known patterns such as water glass, granite glass, and beveled diamonds to the working surface in Ridge in order to provide well known textures to the vacuum formed sheet. Only the expected results would be attained.

9. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridge in view of Frost and Butler as applied to claim 1 above, and further in view of Powell (US Patent No. 3,382,134).

As to claim 2, Ridge discloses providing the working surface simulating a texture of a piece of stained glass (column 1, lines 65-68; column 5, lines 15-17; column 6, lines 8-14; column 6, lines 60-65). As to claims 3-5, Ridge discloses providing the surface of the working surface with an engraved pattern in order to provide the sheet with simulated surface texture of glass pieces such as beveling, marbling, frosting, etc. Powell is cited to show a further example that it is known in the art to provide a working surface in a vacuum mold die with a surface texture that simulates textures of stained glass (column 4, lines 1-5; 45-50). It would have been well within the purview of one of ordinary skill in the art at the time of the invention to provide well known patterns such as water glass, granite glass, and beveled diamonds to the working surface in Ridge in



Art Unit: 1733

order to provide well known textures to the vacuum formed sheet as further exemplified by Powell. Only the expected results would be attained.

10. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridge in view of Frost and Butler as applied to claim 1 above, and further in view of Kaefer (US Patent No. 5,411,780) and/or Pavone (US Patent No. 4,318,946) as further taken with Wright (US Patent No. 2,335,139) and/or Spengler et al. (US Patent No. 4,923,539).

It is well known in the art to decorate stained glass and simulated stained glass with items such as acrylic jewels and glass pieces. For example, Kaefer discloses decorating stained glass with almost any light weight item such as blown glass or jewel by attaching to the stained glass (column 6, line 13-17). Pavone also discloses an example of decorating simulated stained glass by adding to the upper surface light refracting or reflecting members or bits such as prisms or mirrors (typically made of glass or acrylic) or a plastic member (column 2, lines 1-5; column 5, lines 25-30) to further enhance the appearance of the panels (column 1, lines 63-68; column 4, lines 36-48).

It is also well known in the art to provide decorative materials to vacuum formed sheets by laying the decorative items on the working surface of the vacuum die prior to laying the sheet on the working surface in order to adhere the items to the sheet during vacuum forming. For example, Wright discloses a method of applying decorative ornaments onto the working surface of a vacuum die prior to placing the sheet to be vacuum formed in order to adhere the ornaments to the sheet. Spengler also discloses

Art Unit: 1733

another example of placing decorative trim components onto the working surface of a vacuum die prior to placing the sheet to be vacuum formed in order to bond the trim components to the sheet with less steps. It would have been obvious to one of ordinary skill in the art at the time of the invention to form the simulated stained glass as shown in Ridge, Frost and Butler by laying items such as acrylic jewels and glass on the working surface of the vacuum die after the first forming step as it is well known in the art to provide decorative items to stained glass in order to provide an enhanced decorative surface as exemplified by Kaefer and/or Pavone, and as it is well known in the art to bond decorative items to vacuum formed sheets by laying the items on the working surface just prior to placing the sheet on the surface in order to reduce the method steps of bonding afterwards as exemplified by Wright and/or Spengler et al.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys J Piazza Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gladys J. Piazza Corcoran  
Examiner  
Art Unit 1733

GJPC